

1 Richard G. Heston, Bar No. 90738
2 Halli B. Heston, Bar No. 90737
3 HESTON & HESTON, Attorneys at Law
4 19700 Fairchild Road, Suite 280
5 Irvine, California 92612
(949) 222-1041
(949) 222-1043 fax
rheston@hestonlaw.com

6 Special/General Counsel for Trustee

7 **UNITED STATES BANKRUPTCY COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**
9 **SANTA ANA DIVISION**

10 In re;
11 ALICIA MARIE RICHARDS,
12 Debtor.

13) Case No: 8:21-bk-10635-ES
14)
15) Chapter 7
16)
17)
18)

**OPPOSITION OF RICHARD G.
HESTON TO DEBTOR'S SECOND
REQUEST TO CONTINUE
HEARING ON INTERIM
APPLICATION FOR ALLOWANCE
OF FEES AND COSTS BY HESTON
& HESTON**

19 Date: August 18, 2022
20 Time: 10:30 a.m.
21 Ctrm: 5A (Remote by Zoom)

22 Richard G. Heston, Special Counsel to Richard A. Marshack, Chapter 7 Trustee ("Trustee"),
23 hereby opposes Debtor's renewed and previously denied¹ motion for continuance of the hearing on
24 interim fee applications of professionals employed by the estate [DOC 788] filed on August 15,
25 2022, which Debtor has recharacterized as a "motion to reschedule", for the following reasons.

26 ¹ Debtor Alicia Marie Richards previously filed a motion on August 1, 2022 [DOC 759] to continue the hearing
27 on Heston & Heston's application for allowance of interim fees. That motion was denied without a hearing by order
28 entered on August 3, 2022 [DOC 766]. The very next day on August 2, 2022, and somewhat inexplicably given his
lockdown status at the California Institution for Men in Chino, California, Lawrence Remsen, the Debtor's father who
is serving a life sentence for murder, was able to "shadow" Debtor's motion [see DOC 763], somehow both executing
the motion for continuance on the very same day that it was filed, without any explanation of how an incarcerated
felon has same day access to both a high security prison and the Bankruptcy Court. Like that of his daughter's motion
to continue, Mr. Remsen's motion was summarily denied by order entered on August 3, 2022 [DOC 766].

1 scorched earth tactics of the Debtor, based not upon her inability to have timely filed opposition,
2 but to her newest theory that this Court has acted in excess of its jurisdiction. The argument is
3 thoroughly baseless and frivolous.

4 **III. CONCLUSION**

5 A product of the 60s, and a fan of the irreverent Firesign Theater, the author of this Opposition
6 would ask the Court to consider analogizing Debtor's entire request to the satirically entitled
7 recording of the Firesign Theater, "Everything You Know Is Wrong"⁴. In that comedic sketch,
8 fictional character and trailer park manager Art Wholeflaffer attempts to explain to listeners why
9 they should deny everything they know to be true, for no reason other than to adhere to his denials
10 of reality. It is comedy; this is not.

12 The very notion that this Court is lacking the power to approve interim applications for
13 payment of professionals acting on behalf of the estate because, well ... there is no estate, is
14 preposterous. Since commencing her initial Chapter 13 case in 2019 over a span of nearly 3 years,
15 Debtor has enjoyed the protections of the automatic stay by invoking the jurisdiction of the
16 Bankruptcy Court, consistently maintaining that the stay protected her and her property comprising
17 the estate. Again and again, Debtor has described the Catalina property as property the estate.
18 Although she now maintains that is inexplicably no longer the case, she should be estopped from
19 attempting to profit at the expense of the Court, the Trustee, and the others whose labors are the
20 product of her actions.

22 Accordingly, it is respectfully submitted that the Debtor's second request to continue the
23 hearing on interim fee application should be denied.

25 Dated: 8/16/22



RICHARD G. HESTON

28 ⁴ See <https://www.imdb.com/title/tt0126289/>.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

19700 Fairchild Road, Suite 280
Irvine, CA 92612

A true and correct copy of the foregoing document entitled (specify): Opposition of Richard G. Heston to Debtor's Second Request to Continue Hearing on Interim Application for Allowance of Fees and Costs by Heston & Heston will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 8/16/2022, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- **Alicia Marie Richards** richardsalicia007@gmail.com
- **Amanda N Ferns** aferns@fernslaw.com, mmakalintal@fernslaw.com
- **Daniel K Fujimoto** wdk@wolfffirm.com
- **D Edward Hays** ehays@marshackhays.com, ehays@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com; cmendoza@marshackhays.com; cmendoza@ecf.courtdrive.com
- **Christopher J Langley** chris@slclawoffice.com, omar@slclawoffice.com; langleycr75251@notify.bestcase.com; ecf123@casedriver.com
- **Tinho Mang** tmang@marshackhays.com, tmang@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com; cmendoza@ecf.courtdrive.com
- **Richard A Marshack (TR)** pkraus@marshackhays.com, rmarshack@iq7technology.com; ecf.alert+Marshack@titlexi.com
- **John H Mitchell** johnmitchell@yahoocom
- **Kevin E Robinson** robinsonlawoffice@yahoo.com
- **United States Trustee (SA)** ustpregion16.sa.ecf@usdoj.gov
- **Eugene V Zech** evzechlaw@aol.com

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (date) 8/16/2022, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

JUDGE

Honorable Erithe A. Smith
United States Bankruptcy Court
Central District of California
Ronald Reagan Federal Building & Courthouse
411 West Fourth Street, Suite 5040 Crtrm. 5A
Santa Ana, CA 92701-459

Lawrence Remsen, C-67186
CIM MH-159-L
P.O. Box 368
Chino, CA 91708

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

8/16/2022

Yanira Flores

Date

Printed Name

/s/ Yanira Flores

Signature